

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NICHOLAS SKIADAS, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

V.

ACER THERAPEUTICS INC., CHRIS
SCHELLING, and HARRY PALMIN,

Defendants.

Case No. 1:19-cv-06137-GHW

CLASS ACTION

**NOTICE OF MOTION AND MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT AND PLAN OF ALLOCATION**

PLEASE TAKE NOTICE that, pursuant to the Order Granting Motion for Preliminary Approval of Class Action Settlement (Dkt. No. 125), on January 7, 2022 at 12:00 p.m., before the Honorable Gregory H. Woods, United States District Judge of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007, Courtroom 12C, New York, NY 10007, Lead Plaintiff Nicholas Skiadas, will and hereby does move the Court for entry of an Order: (1) granting final approval of the Settlement in the Action on the terms set forth in the Stipulation; and (2) approving the proposed Plan of Allocation for distribution of the Net Settlement Fund.¹

This motion is based on this Notice of Motion; the Memorandum of Law in Support thereof; the Declaration of Laurence Rosen in Support of the Motions for: (I) Final Approval of Class Action Settlement and Plan of Allocation; and (II) an Award of Attorneys' Fees, Reimbursement of Litigation Expenses, and Award to Lead Plaintiff; all exhibits thereto; all pleadings and papers filed herein; arguments of counsel; and any other matters properly before the Court.

A proposed Order and Final Judgment granting the requested relief will be submitted with Lead Plaintiff's reply papers after the deadlines for objecting to the Settlement and requesting exclusion from the Settlement Class have passed.

¹ Capitalized terms that are not otherwise defined herein have the same meanings given to them in the Stipulation and Agreement of Settlement dated July 21, 2021 (Dkt. No. 123).

Dated: December 10, 2021

Respectfully submitted,

THE ROSEN LAW FIRM, P.A.

By: /s/ Laurence Rosen

Laurence Rosen

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Lead Counsel for Lead Plaintiff and the Class

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2021, a true and correct copy of the foregoing document was served by CM/ECF to the parties registered to the Court's CM/ECF system.

/s/ Laurence Rosen
Laurence Rosen